

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EXHIBIT
T

TRACEY WHITE, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Cause No. 14-cv-01490-HEA
)	
THOMAS JACKSON, et al.,)	
)	
Defendants.)	

VIDEO DEPOSITION OF THOMAS JACKSON

Taken on behalf of the Plaintiffs

October 27, 2015

Reported by: Christine A. LePage, CCR #1000

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1 A No, sir.

2 Q Okay.

3 A That's not what I said. And that may be the
4 case, but what I'm saying is is once I've hired an
5 officer, that'll be reported to the state that we have
6 this POST certified officer hired.

7 Q All right. Now I understand. Okay. So how did
8 you verify that the certificate that the officer provided
9 to you was indeed indicative of that officer having
10 completed a certified academy program?

11 A Each officer that was hired would, prior to
12 being hired, undergo a fairly extensive background
13 investigation by one of our detectives, and that would
14 include verification of essentially everything that's in
15 the application.

16 Q So you would undertake an investigation, and I
17 take it that what you're saying is that if a person
18 produced to you a certification indicating that they had
19 completed a certified program, during that investigation
20 that would be verified through the detective?

21 A The detective would verify all the information
22 on the application, yes, sir.

23 Q All right. Now, what I'd like to focus on with
24 you is the period in 2014 between August 9th and
25 August 16th.

1 A Yes, sir.

2 Q Okay?

3 A (Witness nods.)

4 Q And so my questions, even if I don't mention
5 those dates, they're going to be -- I'm going to be
6 directing you to that period, so I'm just giving you a
7 layout of the ground work so that you don't have to wonder
8 what I'm talking about, okay?

9 A Got it, thank you.

10 Q All right. So, now, at that time you were chief
11 of police of Ferguson police department, correct?

12 A Yes, sir.

13 Q And approximately how many sworn officers did
14 you have at that time?

15 A Fifty-three, I believe.

16 Q And Darren Wilson was one of those officers,
17 correct?

18 A Yes, sir.

19 Q On August 9th you received information that
20 Darren Wilson had been involved in an on-duty shooting
21 incident, correct?

22 A Correct.

23 Q And that shooting incident involved the shooting
24 of Michael Brown, correct?

25 A Yes, sir.

1 Q What other jurisdictions were there?

2 A Too many to enumerate. From many other -- many
3 other municipal departments around the area.

4 Q Okay. How did you know who was on the scene in
5 terms of police, did you all have a check-in or something?

6 A Not at that time.

7 Q Code 1000 you have a check-in, right?

8 A Yes, sir.

9 Q But on the night of August 10th, there was no
10 check-in, right?

11 A Not that I was aware of, no.

12 Q And so there were a number of police officers
13 from all different jurisdictions, a number of different
14 jurisdictions, who were just there loosely under the
15 command of the St. Louis County police department?

16 A All I can say is that I turned my command over
17 to St. Louis County.

18 Q Well, when you say you turned it over, how did
19 you do that, was there some written document?

20 A No, no, no.

21 Q So, what, do you just say here, who was it, a
22 captain, a sergeant, or what?

23 A Lieutenant colonel.

24 Q Lieutenant colonel. Lieutenant colonel who?

25 A Dierkes.

1 Q D-U-R-K-I-S?

2 A D-I-E-R-K-E-S. But Chief Belmar also arrived
3 there and I remained with them.

4 Q Now, Chief Belmar arrived when, at what point?

5 A Sometime during that evening.

6 Q Before or after you turned over your command?

7 A I don't remember.

8 Q But in any event, Lieutenant Dierkes is the
9 person that you turned over your command, Lieutenant
10 Colonel Dierkes, right?

11 A Yes.

12 Q Lieutenant colonel. Is the person that you
13 turned over your command to?

14 A Yes, sir, command of that scene.

15 Q Command of that scene. And Lieutenant Dierkes
16 then had control over the actions of all of the officers
17 who were being deployed?

18 MS. GUNN: I want to object to the form of the
19 question, but you can answer.

20 A Again, it was my scene when the County SWAT team
21 responded, my prior knowledge made it necessary for me to
22 turn over command of that scene to the St. Louis County
23 SWAT team. As far as the other officers responding, I
24 don't know -- I don't know that the County did or could
25 take responsibility for them at that time.

1 Q (by Mr. Lattimer) Well, whose command would
2 they have been under?

3 MR. PLUNKERT: Object to the form. You may
4 answer.

5 A Supervisors on the scene.

6 Q (by Mr. Lattimer) When you say supervisors,
7 supervisors from where?

8 A From either their department or other
9 departments who would try to deploy them properly.

10 Q So would it be fair to say that at that time
11 there were officers from different departments being
12 supervised by supervisors from their own departments at
13 that scene?

14 MR. PLUNKERT: Object on foundation. You may
15 answer.

16 A That's likely, yes.

17 Q (by Mr. Lattimer) So there was no formal
18 command structure; would that be fair to say?

19 MS. GUNN: I'm going to object, it
20 mischaracterizes his testimony. But you can answer.

21 A No, sir, I would say that would not be fair to
22 say.

23 Q (by Mr. Lattimer) Well, tell me the formal
24 command structure then. If I understand you correctly,
25 you turned over your command to Lieutenant Colonel

1 Dierkes, correct?

2 A Correct.

3 Q Who was with the St. Louis County police
4 department, correct?

5 A Yes. Yes.

6 Q There were Ferguson police officers on the
7 scene, correct?

8 A Yes.

9 Q There was St. Louis County SWAT members on the
10 scene, correct?

11 A Correct.

12 Q There were police officers from a number of
13 other police departments on the scene, correct?

14 A There were several other SWAT teams there.

15 Q And several other SWAT teams there, correct?

16 A Yes, sir.

17 Q And they were being supervised by their own
18 supervisors, correct?

19 A Yes.

20 Q So what was the formal command structure?

21 A As far as I was concerned?

22 Q Yes, sir.

23 A I was reporting to -- or following the
24 instructions of St. Louis County.

25 Q Okay. That was you, but who were these other

1 A No, no, no, when I got there I went to the front
2 of the line and he was there.

3 Q And so how could he have -- how could deployment
4 have already taken place if you hadn't turned over your
5 command to him?

6 A This was a crisis situation, it was very
7 chaotic, and he is a commander with St. Louis County, he
8 has jurisdiction.

9 Q He has jurisdiction over Ferguson police and
10 you're the chief?

11 A He has jurisdiction in the City of Ferguson.

12 Q I understand that. But what we're talking about
13 now is the command structure over police officers who are
14 not St. Louis County police officers, that's what I'm
15 asking you about. And so I thought I understood you to
16 say you turned over your command when you got there, but
17 it seems to be that you're now saying that I have it wrong
18 and that you had -- he had exercised his authority or
19 exercised authority to deploy officers prior to you
20 turning over your command to him; is that correct?

21 MR. PLUNKERT: Object to the form of the
22 question. You may answer.

23 A They responded in a call for assistance and saw
24 the situation evolving and took measures that they felt
25 were necessary to control.

1 Q (by Mr. Lattimer) All right. And so those
2 measures consisted of taking control of all of these
3 officers who had responded to the scene; is that your
4 understanding?

5 MR. PLUNKERT: Object to the foundation. You
6 may answer.

7 MS. GUNN: Yeah, I object as well to the form.

8 A Yeah, again, I can't -- I can't speak to what
9 anybody did prior to my arrival.

10 Q (by Mr. Lattimer) Well, I'm trying to
11 understand how could you turn over your command to
12 Lieutenant Dierkes if he had already exercised authority
13 and taken command of the scene prior to your getting
14 there.

15 MS. GUNN: It assumes facts not in evidence.

16 MR. PLUNKERT: There's no question yet, so I'm
17 waiting till you finish your question.

18 MR. LATTIMER: I was finished with my question.
19 Could you read it back?

20 MR. PLUNKERT: Object to the form.

21 MS. GUNN: Calls for speculation.

22 (Whereupon the pending question was read by the
23 court reporter.)

24 A Again, once he was called, St. Louis County SWAT
25 team was called, it's written, and everyone who calls him

1 is in agreement with it that they turn over that situation
2 to the County SWAT team. So when I got there, I just
3 formally said we'll be following your command.

4 Q (by Mr. Lattimer) Okay. Now, did any of -- did
5 you all ever have like joint training operations together,
6 the officers who were on the scene from Ferguson and
7 St. Louis County SWAT?

8 A Sir, for many, many years the St. Louis County
9 SWAT team has been the -- basically the facilitator for
10 the mobile response team, the St. Louis County mobile
11 response team, which was an offshoot of the civil
12 disturbance response team, which I was a founding member
13 of, and the mobile response team trained maybe twice a
14 year, and that mobile response team was made up of
15 officers from many departments within St. Louis County.

16 Q Okay. Well, my question was were the officers
17 who were deployed from Ferguson, were they ever engaged in
18 joint training exercises with St. Louis County SWAT?

19 A One or two of them were members of the mobile
20 response team.

21 Q And what about the rest?

22 A Not that I can recall.

23 Q And what about the other departments, did the
24 officers from those other departments ever engage in joint
25 training operations with the City of Ferguson and each

CROSS-EXAMINATION

QUESTIONS BY MR. PLUNKERT:

Q Mr. Jackson, you mentioned -- you recall earlier that you said that there was a joint command comprised of Chief Belmar and you at one point in time?

A We were during that first week prior to the state taking over.

Q And specifically there were certain areas of Ferguson that were in your command, correct?

A Correct.

Q And there were certain areas of Ferguson that were in Chief Belmar's command, correct?

A Correct.

Q Specifically could you -- the area that was in Chief Belmar's command, police stayed at that area?

A That was, again, the West Florissant protest area.

Q And the highest ranking officer that was in charge of that area that you just said was who?

A Would have been Lieutenant Colonel Dierkes, I believe.

Q Okay. And then he would report to Chief Belmar?

A Yes.

Q Okay. Those are all the questions that I have. Thank you.